



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,966	08/18/2003	Paul Slovick	575.039	4160

35195 7590 09/21/2005

FERENCE & ASSOCIATES
409 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
----------	--------------

3727

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tate

Office Action Summary

Application No.

10/642,966

Applicant(s)

SLOVICK, PAUL

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the movement about the horizontal axis (cl. 13), the material extending past the lug (cl. 1), the specificities of the extent of the material about 240 degrees and 360 degrees (cl. 14-17, 22-25), the movement of the tire above the ground and the tire contacting the ground, the support of at least a major portion must be shown or the feature(s) canceled from the claim(s).

It seems that the device in Fig. 3 is inoperative because it seems that portion 130 is connected to the front side of portion 100. Wouldn't the presence of the wheel interfere the movement of portion 130. A close detail view of the connection between 130 and 100 and portion 150 and 130 must be shown.

The various portions in Fig. 5 are unclear. Applicant is requested to provide detail drawing showing portions 130, and 150.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 13-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 13-26 recite the tire support being capable of movement about a horizontal axis. It is unclear what this axis is. Fig. 3 shows that the support 150 is movable about portion 80, but this is a vertical axis.

Regarding claims 14-27, 22-25, the specification fails to show the specificities of the extent about 240-360 degrees.

The original disclosure does not teach the material support a major portion of the interior opening. This is a new matter rejection.

3. Claims 18, 26, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"extent to meaning fully connect" is confusing. It is unclear what is meant by "meaningfully connect".

Art Unit: 3727

“said swing arm” has no antecedent basis.

4. Claims 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Jones (4561575) or Lawrence (1472983) in view of either JP 258755 or JP 315351, or in the alternative, over JP ‘755 or ‘351 in view of Jones. Jones teaches a tire support capable of movement through a plurality of positions about a horizontal axis. Jones meets all claimed limitations except for the mounting comprising the lug and the material extending past the lug supporting the tire.

JP’755 teaches that it is known in the art to provide a mounting having a material passing a lug. It would have been obvious to one of ordinary skill in the art to provide a mounting having material passing a lug in Jones as taught by either JP’266 or JP’755 to provide an alternative mounting means.

In the alternative, it would have been obvious to one of ordinary skill in the art to provide the mounting of JP 755 or JP351 in Jones or Lawrence to enable one to change the tire easily.

5. Claims 13, 14, 27, 18, 19, 20, 21, 22, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Jones or Lawrence in view of JP 295266. Jones teaches a tire support capable of movement through a plurality of positions about a horizontal axis. Jones meets all claimed limitations except for the mounting comprising the lug and the material extending past the lug supporting the tire.

JP’266 teaches that it is known in the art to provide a mounting having a material passing a lug. It would have been obvious to one of ordinary skill in the art to provide a mounting having material passing a lug in either Jones or Lawrence as taught by either JP’266 to provide an alternative mounting means.

Art Unit: 3727

6. Claims 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of anyone of Jones, Lawrence, and Jozefczak (5186371) in view of Hansen, or in the alternative, over Hansen in view of anyone of Jones, Lawrence, and Jozefczak. anyone of Jones, Lawrence, or Jozefczak teaches a tire support capable of movement through a plurality of positions about a horizontal axis.

Hansen teaches that it is known in the art to provide a mounting having a material passing a lug (col. 4, ln. 35). It would have been obvious to one of ordinary skill in the art to provide a mounting having material passing a lug in anyone of Jones, Lawrence, and Jozefczak as taught by Hansen to provide an alternative mounting means.

Regarding claims 14-17, and 22-35, it would have been obvious to one of ordinary skill in the art to provide the circumference about 240-360 in the tire support of Hansen to provide the desired circumference of the material.

7. Claims 13-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Mrozowski et al. (5183192), or in the alternative, over Mrozowski et al. (5183192) in view of Hansen. Mrozowski teaches a mounting movable about a horizontal axis, and portion 28 as shown project past the lug 34.

To the degree it is argued otherwise, it would have been obvious to one of ordinary skill in the art to provide portion 28 pass the lug 30 to enable one to mount the tire easily.

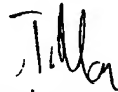
Furthermore, It would have been obvious to one of ordinary skill in the art to provide the mounting of Hansen in Mrozowski to provide an alternative mounting means.

Art Unit: 3727

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai 
Primary Examiner
Art Unit 3727